

**EIGHTY-FIFTH LEGISLATIVE DAY
MONDAY, APRIL 3, 2006**

House of Representatives

The House convened at 10 a.m., Mr. Denney in the Chair.

Roll call showed 67 members present.

Absent and excused -- Bradford, Garrett, Mitchell.
Total -- 3.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Michael Kelsey, Page.

Approval of Journal

April 3, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighty-second Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

March 31, 2006

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bill, to wit:

H 776

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

March 31, 2006

Mr. Speaker:

I transmit herewith enrolled **S 1367, S 1456, S 1458, S 1459, S 1460, S 1461, S 1463, and SCR 124** for the signature of the Speaker.

WOOD, Secretary

The Speaker Pro Tem announced that enrolled **S 1367, S 1456, S 1458, S 1459, S 1460, S 1461, S 1463, and SCR 124**

would be signed by the Speaker, and when so signed, ordered them returned to the Senate.

March 30, 2006

Mr. Speaker:

I transmit herewith **SCR 134** which has passed the Senate.

WOOD, Secretary

SCR 134 was filed for first reading.

March 31, 2006

Mr. Speaker:

I transmit herewith **S 1462** and **S 1487** which have passed the Senate.

WOOD, Secretary

S 1462 and **S 1487** were filed for first reading.

March 31, 2006

Mr. Speaker:

I return herewith **HCR 64, HCR 65, H 834, H 570**, as amended, **H 795, H 846, H 847**, and **H 822** which have passed the Senate.

WOOD, Secretary

HCR 64, HCR 65, H 834, H 570, as amended, **H 795, H 846, H 847**, and **H 822** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 30, 2006

Mr. Speaker:

I return herewith **H 723**, as amended in the Senate, **H 655**, as amended in the Senate, **H 508**, as amended in the Senate, **H 714**, as amended, as amended in the Senate, and **H 770**, as amended in the Senate, as amended in the Senate, which have passed the Senate.

WOOD, Secretary

H 723, as amended in the Senate, **H 655**, as amended in the Senate, **H 508**, as amended in the Senate, **H 714**, as amended, as amended in the Senate, and **H 770**, as amended in the Senate, as amended in the Senate, were ordered held at the Desk.

Mrs. Smith(30) asked unanimous consent that the House concur in the Senate amendments to **H 723**, as amended in the Senate. There being no objection, it was so ordered.

Mr. Deal asked unanimous consent that the House concur in the Senate amendments to **H 655**, as amended in the Senate. There being no objection, it was so ordered.

Mr. Roberts asked unanimous consent that the House not concur in the Senate amendments to **H 508**, as amended in the Senate. There being no objection, it was so ordered.

Mr. Deal asked unanimous consent that the House concur in the Senate amendments to **H 714**, as amended, as amended in the Senate. There being no objection, it was so ordered.

Mr. Roberts asked unanimous consent that the House concur in the Senate amendments to **H 770**, as amended in the Senate, as amended in the Senate. There being no objection, it was so ordered.

H 723, as amended in the Senate, **H 655**, as amended in the Senate, **H 714**, as amended, as amended in the Senate, and **H 770**, as amended in the Senate, as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

H 508, as amended in the Senate, was filed in the Office of the Chief Clerk.

Report of Standing Committees

April 3, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 863**, **H 864**, and **H 865**.

FIELD(18), Chairman

H 863, **H 864**, and **H 865** were filed for second reading.

April 3, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 45**, **H 736**, as amended, **H 737**, as amended, **H 844**, **H 739**, **H 833**, **H 778**, as amended, **H 713**, as amended, as amended in the Senate, and **H 561**, as amended in the Senate, as amended in the Senate.

FIELD(18), Chairman

The Speaker Pro Tem announced that enrolled **HCR 45**, **H 736**, as amended, **H 737**, as amended, **H 844**, **H 739**, **H 833**, **H 778**, as amended, **H 713**, as amended, as amended in the Senate, and **H 561**, as amended in the Senate, as amended in the Senate, would be signed by the Speaker, and when so signed, ordered them transmitted to the Senate for the signature of the President.

April 3, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 819**, **H 754**, **H 756**, **H 757**, **H 726**, **H 765**, **H 630**, as amended, **H 817**, **H 818**, **H 826**, **H 827**, **H 828**, **H 663**, as amended, **H 705**, as amended, **H 735**, as amended, **H 758**, **H 731**, **H 784**, **H 829**, **H 830**, **H 831**, **H 750**, as amended, **H 763**, **H 796**, **H 764**, **H 728**, **H 780**, **H 781**, **H 474**, as amended, and **H 745** to the Governor at 12:02 p.m., as of this date, March 31, 2006.

FIELD(18), Chairman

April 3, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND

ADMINISTRATION, report that we have transmitted enrolled **HCR 50**, as amended, to the Secretary of State at 9:59 a.m., as of this date, March 31, 2006.

FIELD(18), Chairman

April 3, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HJM 22** and **HCR 62** to the Secretary of State at 12:06 p.m., as of this date, March 31, 2006.

FIELD(18), Chairman

March 31, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **S 1441**, as amended, and report it back with amendments attached to be placed on General Orders for consideration.

FIELD(18), Chairman

S 1441, as amended, was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

SCR 134, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Education Committee.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **S 1484** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1484** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Cannon, Chadderdon, Clark, Collins, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood. Total -- 61.

NAYS -- None.

Absent and excused -- Barraclough, Bradford, Crow, Deal, Garrett, Mitchell, Shepherd(2), Stevenson, Mr. Speaker.

Total -- 9.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1484** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bedke to open debate.

The question being, "Shall **S 1484** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Cannon, Chadderdon, Clark, Collins, Crow, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills. Total -- 59.

NAYS -- Barrett, Loertscher, Wood. Total -- 3.

Absent and excused -- Barraclough, Bradford, Deal, Garrett, Mitchell, Shepherd(2), Stevenson, Mr. Speaker. Total -- 8.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1484** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 863** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 863** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Cannon, Chadderdon, Clark, Collins, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood. Total -- 61.

NAYS -- None.

Absent and excused -- Barraclough, Bradford, Crow, Deal,

Garrett, Mitchell, Shepherd(2), Stevenson, Mr. Speaker. Total -- 9.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 863** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Nonini to open debate.

The question being, "Shall **H 863** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bayer, Bedke, Bell, Black, Block, Brackett, Chadderdon, Clark, Collins, Crow, Deal, Denney, Ellsworth, Eskridge, Field(23), Hart, Harwood, Henderson, Loertscher, Mathews, McGeachin, McKague, Moyle, Nonini, Roberts, Rydalch, Sali, Schaefer, Shepherd(8), Smylie, Stevenson, Wood. Total -- 35.

NAYS -- Barrett, Bastian, Bilbao, Boe, Bolz, Cannon, Edmunson, Field(18), Henbest, Jaquet, Kemp, Lake, LeFavour, Martinez, Miller, Mitchell, Nielsen, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Sayler, Shirley, Skippen, Smith(30), Smith(24), Snodgrass, Trail, Wills, Mr. Speaker. Total -- 32.

Absent and excused -- Bradford, Garrett, Shepherd(2). Total -- 3.

Paired Vote:

AYE -- Eskridge. NAY -- Mitchell.

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 863** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 864** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 864** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Cannon, Chadderdon, Clark, Collins, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo,

Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood. Total -- 61.

NAYS -- None.

Absent and excused -- Barraclough, Bradford, Crow, Deal, Garrett, Mitchell, Shepherd(2), Stevenson, Mr. Speaker. Total -- 9.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 864** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bedke to open debate.

Mr. Bayer asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 864**. There being no objection, it was so ordered.

The question being, "Shall **H 864** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Brackett, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Hart, Harwood, Henderson, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Raybould, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd(8), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 54.

NAYS -- Boe, Henbest, Jaquet, LeFavour, Martinez, Mitchell, Pasley-Stuart, Pence, Ringo, Rusche, Sayler, Shepherd(2), Smith(30), Trail. Total -- 14.

Absent and excused -- Bradford, Garrett. Total -- 2.

Paired Votes:

AYE -- Collins. NAY -- Shepherd(2).

AYE -- Eskridge. NAY -- Mitchell.

(Pairs enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 864** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 866 BY APPROPRIATIONS COMMITTEE AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE PUBLIC EDUCATION STABILIZATION FUND.

HOUSE BILL NO. 867 BY EDUCATION COMMITTEE AN ACT

RELATING TO COMMUNITY COLLEGES; PROVIDING LEGISLATIVE FINDINGS AND INTENT; AMENDING THE HEADING OF CHAPTER 21, TITLE 33, IDAHO CODE; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2101, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF STATE COMMUNITY COLLEGES BY THE STATE BOARD OF EDUCATION; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2101A, IDAHO CODE, TO PROVIDE FOR ESTABLISHMENT OF COMMUNITY COLLEGE ADVISORY BOARDS AND TO PROVIDE POWERS OF THE BOARDS; AMENDING SECTION 33-2101, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE PROPER TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2101A, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO DELETE CODE REFERENCES; REPEALING SECTIONS 33-2110, 33-2110A AND 33-2110B, IDAHO CODE, RELATING TO TUITION AND RESIDENCY FOR STUDENTS RESIDING OUTSIDE OF A COMMUNITY COLLEGE DISTRICT; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2110, IDAHO CODE, TO PROVIDE RESIDENCY AND TUITION; AMENDING SECTION 33-2139, IDAHO CODE, TO CREATE THE COMMUNITY COLLEGE EQUALIZATION FUND IN THE STATE TREASURY AND TO PROVIDE FOR DISTRIBUTION OF MONEYS IN THE FUND; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2141A, IDAHO CODE, TO PROVIDE FOR DISBURSEMENT OF FUNDS APPROPRIATED TO THE STATE BOARD OF EDUCATION FOR STATE COMMUNITY COLLEGES; AMENDING SECTION 23-404, IDAHO CODE, AS AMENDED BY SECTION 1, SENATE BILL NO. 1388, AS ENACTED BY THE SECOND REGULAR SESSION OF THE FIFTY-EIGHTH IDAHO LEGISLATURE, TO REVISE STATE LIQUOR ACCOUNT DISTRIBUTIONS; AMENDING SECTION 33-2141, IDAHO CODE, TO DELETE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-4306, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

HOUSE BILL NO. 868 BY APPROPRIATIONS COMMITTEE AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

H 866, **H 867**, and **H 868** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1462, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

S 1487, by Finance Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

At this time, the Speaker took the Chair.

April 3, 2006

Mr. Speaker:

I transmit herewith enrolled **S 1370, S 1427, S 1464, S 1465, S 1466, S 1467, S 1469, S 1470, S 1471, S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, and S 1481** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1370, S 1427, S 1464, S 1465, S 1466, S 1467, S 1469, S 1470, S 1471, S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, and S 1481** and, when so signed, ordered them returned to the Senate.

April 3, 2006

Mr. Speaker:

I return herewith enrolled **H 791, H 836, H 837, H 838, H 839, H 814**, as amended, **H 760**, as amended, **H 742**, as amended, **H 771, H 772, H 773, H 774, and H 775** which have been signed by the President.

WOOD, Secretary

Enrolled **H 791, H 836, H 837, H 838, H 839, H 814**, as amended, **H 760**, as amended, **H 742**, as amended, **H 771, H 772, H 773, H 774, and H 775** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

April 3, 2006

Mr. Speaker:

I return herewith **H 845, H 848, H 825, H 753**, as amended, **H 820**, and **H 849** which have passed the Senate.

WOOD, Secretary

H 845, H 848, H 825, H 753, as amended, **H 820**, and **H 849** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Denney moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

April 3, 2006

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **S 1441**, as amended, and report it back without recommendation, amended as follows:

HOUSE AMENDMENT TO S 1441, as amended, as amended
in the House

AMENDMENT TO SECTION 1

On page 1 of the engrossed bill, delete lines 18 and 19 and insert: "by the defendant in any civil action if the court finds that the defendant is immune from such action pursuant to this section."

We have also had under consideration **H 677** and **H 789**, report progress and beg leave to sit again.

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Mr. Denney.

Whereupon the Speaker declared the report adopted.

S 1441, as amended, as amended in the House, was filed for first reading.

H 677 and **H 789** were retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10 a.m., Tuesday, April 4, 2006. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:50 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk